

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JACKIE WHITE	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:06cv82-MHT
	)	(WO)
MPW INDUSTRIAL SERVS., INC.,	)	
	)	
Defendant.	)	

**RECOMMENDATION OF THE MAGISTRATE JUDGE**

The *pro se* plaintiff filed this action on January 30, 2006. On March 14, 2006, the defendant filed an answer. On March 16, 2006, the court set this matter for a status and scheduling conference on April 17, 2006, at 2:00 p.m. in Courtroom 4B, United States Courthouse Complex, One Church Street, Montgomery, Alabama. On April 17, 2006, the plaintiff notified opposing counsel that she would not appear at the hearing and that she was attempting to retain counsel to represent her. The court entered an order directing the plaintiff, on or before May 17, 2006, to either secure counsel to represent her in this matter<sup>1</sup> or show cause why this case should not be dismissed for want of prosecution. The plaintiff was specifically warned that **“if she fails to respond as required by this order, the court will treat her failure to respond as an abandonment of the claims set forth in the complaint and as a failure to prosecute this action and the undersigned will recommend that this case be dismissed for such failure.”** (Doc. # 15) (emphasis in original).

The plaintiff has filed nothing in response to the orders of the court. Consequently,

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<sup>1</sup> Counsel was directed to file a notice of appearance on or before May 17, 2006.

based on the plaintiff's failure to respond, the court concludes that the plaintiff has abandoned her claims.

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that the plaintiff's complaint be dismissed. It is further

ORDERED that the parties shall file any objections to the said Recommendation on or before **June 7, 2006**. Any objections filed must specifically identify the findings in the Magistrate Judge's Recommendation to which the party objects. Frivolous, conclusive or general objections will not be considered by the District Court. The parties are advised that this Recommendation is not a final order of the court and, therefore, it is not appealable.

Failure to file written objections to the proposed findings and recommendations in the Magistrate Judge's report shall bar the party from a de novo determination by the District Court of issues covered in the report and shall bar the party from attacking on appeal factual findings in the report accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5<sup>th</sup> Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11<sup>th</sup> Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11<sup>th</sup> Cir. 1981, *en banc*), adopting as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

Done this 25<sup>th</sup> day of May, 2006.

/s/Charles S. Coody  
CHARLES S. COODY  
CHIEF UNITED STATES MAGISTRATE JUDGE